Anno ſexto

Georgii III. Regis.

CAP. XXVIII.

An Act to prohibit the Importation of Foreign Wrought Silks and Velvets, for a limited Time; and for preventing unlawful Combinations of Workmen employed in the Silk Manufacture.

WHEREAS great Quantities of Foreign Wrought Silks and Velvets are daily brought into and ſold in Great Britain, to the Prejudice of the Silk Manufacture of theſe Kingdoms: For Redreſs whereof, it is expedient that the Importation of ſuch Goods into Great Britain, and the Iſlands of Jerſey, Guernſey, Alderney, Sark, and Man, ſhould be prohibited for a limited Time; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Preamble.

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Fourteenth Day of June, One thousand seven hundred and sixty six, no Foreign Wrought Silks or Velvets shall be imported or brought into Great Britain, or the Islands of Jersey, Guernsey, Alderney, Sark, or Man, upon Pain of being seized and forfeited, and upon the further Penalty of One hundred Pounds of lawful Money of Great Britain, to be paid by the Importer thereof, for each Piece or Remnant so imported, together with Costs of Suit.

From and after 24 *June*, 1766, no Foreign Wrought Silks or Velvets may be imported, on Penalty of Forfeiture, and 100 *l*;

And be it further enacted by the Authority aforesaid, That from and after the said Fourteenth Day of June, One thousand seven hundred and sixty six, no Mercer, Haberdasher, Upholder, Mantua-maker, Milliner, Taylor, or other Person or Persons whatsoever, shall vend, utter, sell, or expose to Sale, or exchange, barter, truck, or otherwise dispose of, any Foreign Wrought Silk or Velvet, wove, wrought, fabricated, or manufactured, in Foreign Parts, and which shall not have been imported before the Fourteenth Day of June, One thousand seven hundred and sixty six, or sew, work, or make up, the same, for, in, or upon, any Garment, or Wearing Apparel or Furniture whatsoever; upon Pain that all and every such Foreign Wrought Silk or Velvet, Garment or Garments, or Furniture, or other Work made thereof, so sold, or exposed to Sale, exchanged, bartered, trucked, or disposed of, or sewed, worked, or made up, for, in, or upon, any Garment, or Wearing Apparel or Furniture, or other Work, and the Garment, Wearing Apparel, Furniture, or other Materials, in, with, or upon which the same shall be so sewed, wrought, or made up, shall be seized and forfeited; and all and every Person and Persons who shall vend, utter, sell, or expose to Sale, exchange, barter, truck, or dispose of, or knowingly sew, work, or make up, or cause or procure to be sewed, wrought, or made up, for, in, or upon, any Garment, or Wearing Apparel or Furniture, or other Work, any such Foreign Wrought Silk or Velvet, wove, wrought, fabricated, or manufactured, in Foreign Parts, and not imported before the said Fourteenth Day of June, One thousand seven hundred and sixty six, shall, for every such Offence, forfeit the Sum of One hundred Pounds of lawful Money of Great Britain, together with Costs of Suit.

nor may any such be sold, or exposed to Sale, exchanged, trucked, or worked up, (not being imported before the said Time)

on Penalty of Forfeiture thereof, &c.

and 100 *l.* with Costs of Suit.

And

And be it further enacted by the Authority aforesaid, That all Foreign Wrought Silk or Velvet, or other Work made thereof, wove, wrought, fabricated, or manufactured, in Foreign Parts, which after the said Fourteenth Day of June, One thousand seven hundred and sixty six, shall be imported into this Kingdom, or into Jersey, Guernsey, Alderney, Sark, or Man, whether the same shall be mixed with, sewed on, or made up with, any other Goods or Materials, or otherwise, and the Apparel, Garment, or Furniture, or other Materials, in, with, or upon, which the same shall be mixed, sewed, or made up, may be seized, and, after Condemnation, shall be forfeited; and the Mercer, Haberdasher, Upholder, Mantua-maker, Milliner, Taylor, or other Dealer in, or Vender or Maker up of any of the said Manufactures, in whose House, Warehouse, Custody, or Possession, the same shall be found and seized, being thereof convicted, shall, for every Piece or Remnant of such Foreign Silk or Velvet, or other Work made thereof, that shall be seized and found in his, her, or their House, Shop, Warehouse, Custody, or Possession, as aforesaid, and which shall have been brought, placed, or continued there, with his, her, or their Knowledge, Privity, or Consent, forfeit the Sum of One hundred Pounds of lawful Money of Great Britain, together with Costs of Suit.

The said Goods may be seized, &c.

and the Venders, &c. in whose Possession the same shall be found

forfeit 100*l.*

And be it further enacted by the Authority aforesaid, That forthwith after the Seizure of any such Foreign Wrought Silks or Velvets, or other Works made thereof as aforesaid, or as soon after as conveniently may be, the same shall be sent to, and deposited in One of the King's Warehouses belonging to the Custom-house at London; and all and every such Foreign Wrought Silks and Velvets may, from time to time, be viewed and inspected by any Person or Persons on Behalf of the Prosecutor or Prosecutors, or of the Person or Persons interested in, or claiming the said Silks and Velvets; and the Commissioners of his Majesty's Customs are hereby required to make and give sufficient Orders, from time to time, for that Purpose; and after Condemnation thereof, in due Course of the Law, all and every such Silks and Velvets shall be publickly sold to the best Advantage for Exportation by the Candle; and One Moiety of the Produce or Money arising by the Sale of such Silks or Velvets, shall be to the Use of his Majesty, his Heirs, and Successors, and the other Moiety thereof to the Use of the Officer or Officers who

Seizure to be deposited in One of the King's Warehouses,

and to be free to Inspection;

and to be publickly sold, after Condemnation, to the best Bidder, for Exportation;

ſhall ſeize and ſecure the ſame; and no ſuch Foreign Wrought Silks or Velvets ſhall be conſumed or uſed in this Kingdom, or in Jerſey, Guernſey, Alderney, Sark, or Man, but ſhall be exported again to ſome Port or Place beyond the Seas, and ſhall not be ſold otherwiſe than on Condition to be exported as aforeſaid; and ſuch Silks and Velvets ſhall not be delivered out of the Warehouſe or Place wherein the ſame ſhall have been ſecured, until ſufficient Security be firſt given to the King's Majeſty, His Heirs, and Succeſſors, which the Commiſſioners of His Majeſty's Cuſtoms are hereby impowered and required to take, that the ſame and every Part thereof ſhall be exported as aforeſaid, and not landed again in any Part of Great Britain, or Jerſey, Guernſey, Alderney, Sark, or Man; which Securities ſhall be diſcharged without Fee or Reward, upon Certificate returned under the Common Seal of the Chief Magiſtrate in any Place or Places beyond the Seas, or under the Hands and Seals of Two known Engliſh Merchants at ſuch Place, that the Goods were there landed, or upon Proof by Two credible Perſons that ſuch Goods were taken by Enemies, or periſhed in the Seas, the Examination and Proof thereof being hereby left to the Judgement of the ſaid Commiſſioners; which Commiſſioners are hereby impowered and required, from time to time, to call upon the Perſon or Perſons who have entered into ſuch Security, to produce ſuch Certificate or Proof as aforeſaid; and in Default of producing ſuch Certificate, or Proof to the Satisfaction of the ſaid Commiſſioners, ſuch Securities to be put in Suit and proſecuted, by Order of the ſaid Commiſſioners, againſt the Perſon or Perſons who ſhall ſo make Default, in ſuch Manner as Offences of the like Kind are ſued or proſecuted by any Law or Statute of this Realm.

for which Security is to be given, before Delivery of the Goods out of the Warehouſe.

Certificate to be returned of ſuch Exportation; or Proof made of the Goods being taken, or having periſhed at Sea;

otherwiſe the Securities are to be put in Suit.

Recovery and Application of the Penalties and Forfeitures.

And be it further enacted by the Authority aforeſaid, That all pecuniary Penalties and Forfeitures; by this Act impoſed, ſhall and may be ſued for and recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, or in the Court of Exchequer in Scotland, or in the Royal Courts of Jerſey and Guernſey, or in any Courts to be holden in His Majeſty's Name, or by virtue of His Authority, in the Iſle of Man, reſpectively, where the Offence ſhall be committed, together with Coſts of Suit, in the Name of His Majeſty's Attorney General, or in the Name of His Majeſty's Advocate in Scotland, or

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in the Name or Names of some Officer or Officers of the Customs; wherein no Essoin, Protection, Privilege, or Wager of Law, or more than One Imparlance, shall be allowed; and that One Moiety of every such Penalty and Forfeiture shall be to the Use of the King's Majesty, his Heirs, and Successors; and the other Moiety thereof, to such Person or Persons who shall sue or prosecute for the same.

Officer neglecting to prosecute for any pecuniary Penalty,

Provided always, and be it further enacted, That if any Officer or Officers of the Customs shall neglect or refuse, for the Space of One Month after the Condemnation of such Goods, to prosecute to Effect any Person or Persons for any pecuniary Penalty or Forfeiture by this Act inflicted upon Offenders against the same; that then, and in every such Case, it shall be lawful for any Person or Persons whomsoever to sue for, prosecute, and recover, the respective pecuniary Penalties or Forfeitures by this Act inflicted, in like manner as is herein before directed with regard to the Officers of the Customs; and One Moiety of the said respective Forfeitures, when recovered, shall, in such Case, go and be applied to the Use of his Majesty, his Heirs, and Successors; and the other Moiety, to the Person or Persons who shall sue or prosecute for the same respectively.

any other Person may sue for and recover the same.

Where the Goods seized shall not be proved by the Owner, &c. to be manufactured in *Great Britain*, the Court shall deem them of Foreign Manufacture.

And be it further enacted by the Authority aforesaid, That if any such Foreign Wrought Silks or Velvets shall be seized by virtue and in pursuance of this Act, and any Doubt or Question shall arise where the same were manufactured, the Proof shall lie upon the Owner or Claimer of such Goods, or the Person prosecuted for being guilty of an Offence against this Act, and not upon the Prosecutor or Prosecutors, Plaintiff or Plaintiffs; and in case no Proof shall be given and fully made to the Satisfaction of the Court where such Suit or Prosecution shall be depending, that such Silks or Velvets were manufactured in Great Britain, then the same shall, without any farther Proceeding, be taken and held to have been manufactured out of Great Britain, and contrary to, and in Violation of, this Act; any Law, Usage, or Custom, to the contrary notwithstanding.

The Wearer of such Goods, or Owner of Furniture made thereof, not liable to forfeit.

Provided always, That nothing in this Act contained shall extend, or be construed to extend, to inflict any Penalty on the Wearer of such Foreign Wrought Silk or Velvet, or other Work made thereof, or the Owner of any Furniture made thereof; any thing herein

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in contained to the contrary thereof in any wise notwithstanding.

Costs to be allowed in all Prosecutions for pecuniary Penalties.

And be it further enacted by the Authority aforesaid, That upon every Action, Bill, Plaint, or Information, entered, filed, and prosecuted, for any pecuniary Penalty imposed by this Act, Costs shall be allowed, and attend the Event of such Suit or Prosecution on either Side; for which the Parties shall have the like Remedy as in other Cases where Costs are allowed to Plaintiffs or Defendants.

Proof, where the Goods were manufactured, to lie on the Person prosecuted.

And be it further enacted by the Authority aforesaid, That in every Suit or Prosecution for Recovery of the pecuniary Penalties imposed by this Act, the Proof where the Goods were manufactured shall lie upon the Person prosecuted, and not upon the Prosecutor; and

Judgement of Condemnation of the Goods sufficient to entitle the Prosecutor to recover.

in case the Goods, on account of which such Suit or Prosecution shall be commenced, shall have been condemned in course of Law, when such Suit or Prosecution for the pecuniary Penalty is brought to Trial, the Judgement of such Condemnation shall be admitted and allowed to be given as Evidence, that such Goods, so seized and condemned, were not manufactured in Great Britain, so as to intitle the Plaintiff or Prosecutor, in such Suit or Prosecution, to recover the Penalties and Forfeitures by this Act imposed; and the Proof of such Judgement of Condemnation to be made, given, and allowed, in such and the like Manner, as Proof of Judgements in any of His Majesty's Courts of Record at Westminster, in other Cases, are usually made, given, and allowed, in any of the said Courts, and not otherwise; any Law, Usage, or Custom, to the contrary notwithstanding.

Commencement and Continuance of this Act.

And be it further enacted by the Authority aforesaid, That this Act shall commence and take Place from and after the said Fourteenth Day of June, One thousand seven hundred and sixty six; and shall continue and be in Force for the Space of Five Years, and from thence to the End of the then next Session of Parliament, and no longer.

Limitation of Actions.

Provided always, and it is hereby enacted and declared, That all Informations, Bills, Actions, and Suits, that shall be had, brought, commenced, sued, or exhibited, for any Forfeiture or Offence committed against this Act, shall and may be had, brought, commenced, sued, and exhibited, within Twelve Calendar Months after the Discovery of such Offence; and, in case of Seisure and Condemnation, within Six Calendar

lendar Months after Judgement of Condemnation shall be obtained thereon.

Certain Goods not within the Extent of this Act.

Provided always, and be it further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to any Wrought Silk or Velvet which shall be manufactured in, and imported from, the East Indies; or to any Silk Crapes, or Tiffanies, of the Manufacture of Italy.

General Issue.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall be sued or prosecuted for any Thing done in pursuance of this Act, he or they may plead the General Issue, and give this Act, and the Special Matter, in Evidence at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act: And if it shall appear to have been so done, then the Jury shall find for the Defendant or Defendants: And if the Plaintiff or Plaintiffs shall become Nonsuit, or discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared; or if Judgement shall be given upon any Verdict or Demurrer against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, for which they shall have the like Remedy, as Defendants have in other Cases by Law where Costs are allowed to Defendants.

Treble Costs.

Recital of Clause in Act 12 *Geo.* I. relating to the Woollen Manufacture.

And whereas by an Act made in the Twelfth Year of His Majesty King George the First, intituled, An Act to prevent unlawful Combinations of Workmen employed in the Woollen Manufactures, and for better Payment of their Wages; there is contained a Clause, whereby it is enacted, That if any Person or Persons shall, by Day or by Night, break into any House or Shop, or enter by Force into any House or Shop, with Intent to cut or destroy any Serge, or other Woollen Goods, in the Loom, or any Tools employed in the making thereof; or shall wilfully and maliciously cut or destroy any such Serges, or Woollen Goods, in the Loom, or on the Rack; or shall burn, cut, or destroy, any Rack, on which any such Serges, or other Woollen Goods, are hanged in order to dry; or shall wilfully and maliciously break or destroy any Tools used in the making any such Serges, or other Woollen Goods, not having the Consent of the Owner so to do; every such Offender, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death, as in Cases of Felony, without Benefit of Clergy: And whereas it

The Provi-ſions in the recited Clauſe extended to the Silk Manufacture; and Offenders are ſubject to ſuffer Death, as in Caſes of Felony, without Benefit of Clergy.

is neceſſary and expedient that the Proviſion contained in the ſaid Clauſe ſhould be extended to the Silk Manufacture of this Kingdom; be it therefore enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall, by Day or by Night, break into any Houſe or Shop, or enter by Force into any Houſe or Shop, with Intent to cut or deſtroy any Velvet, Wrought Silk, or Silk mixed with any other Materials, or other Silk Manufacture, in the Loom, or any Warp or Shute, Tools, Takle, or Utenſils; or ſhall wilfully and maliciouſly cut or deſtroy any Velvet, Wrought Silk, or Silk mixed with any other Materials, or other Silk Manufacture, in the Loom, or any Warp or Shute, Tools, Tackle, or Utenſils, prepared or employed in or for the making thereof; or ſhall wilfully and maliciouſly break or deſtroy any Tools, Tackle, or Utenſils, uſed in or for the weaving or making any ſuch Velvet, Wrought Silks, or Silks mixed with any other Materials, or other Silk Goods, or Silk Manufacture, not having the Conſent of the Owner ſo to do; every ſuch Offender, being thereof lawfully convicted, ſhall be adjudged guilty of Felony, and ſhall ſuffer Death, as in Caſes of Felony, without Benefit of Clergy.

FINIS.